



#19

PATENT  
ATTORNEY DOCKET NO. 00786/381002

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Susan M. Cannon  
Printed name of person mailing correspondence

*Susan M. Cannon*  
Signature of person mailing correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Mark C. Fishman et al.	Art Unit:	1634
Serial No.:	09/759,508	Examiner:	Jehanne E. Souaya
Filed:	January 12, 2001	Customer No.:	21559
Title:	Methods for Diagnosing and Treating Heart Disease		

Commissioner for Patents  
Washington, D.C. 20231

DECLARATION OF XIAOLEI XU, PH.D., UNDER 37 C.F.R. § 1.131

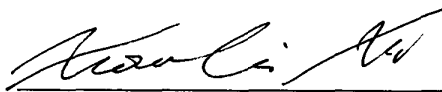
I declare:

1. I am an inventor of the subject matter that is described and claimed in the above-captioned patent application.

2. The enclosed Exhibit is a copy of pages from my laboratory notebook, which show that my co-inventor and I had determined that the pickwick mutation, which is characterized by a weak heartbeat, is in the titin gene. In particular, we found that certain zebrafish sequences that we had identified as being in the pickwick locus were homologous to known titin sequences. These pages are dated prior to the August, 1999 publication date of Satoh et al. (Biochem. Biophys. Res. Com. 262:411-417, 1999).

3. All statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true, and further, these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Date: 11/11/02



Xiaolei Xu, Ph.D.  
14 Wait Street, Apartment 2R  
Boston, MA 02120



PATENT  
ATTORNEY DOCKET NO. 00786/381002

### COMBINED DECLARATION AND POWER OF ATTORNEY

#17

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled "METHODS FOR DIAGNOSING AND TREATING HEART DISEASE," the specification of which was filed on January 12, 2001 as Application Serial No. 09/759,508.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information I know to be material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56(a).

**FOREIGN PRIORITY RIGHTS:** I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

Country	Serial Number	Filing Date	Priority Claimed?
			Yes/No

**PROVISIONAL PRIORITY RIGHTS:** I hereby claim priority benefits under Title 35, United States Code, §119(e) and §120 of any United States provisional patent application(s) listed below filed by an inventor or inventors on the same subject matter as the present application and having a filing date before that of the application(s) of which priority is claimed:

Serial Number	Filing Date	Status
60/175,787	January 12, 2000	Abandoned

**NON-PROVISIONAL PRIORITY RIGHTS:** I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information I know to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

# **COMBINED DECLARATION AND POWER OF ATTORNEY**

Serial Number	Filing Date	Status


I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Paul T. Clark, Reg. No. 30,162, Karen L. Elbing, Ph.D., Reg. No. 35,238, Kristina Bieker-Brady, Ph.D., Reg. No. 39,109, Susan M. Michaud, Ph.D., Reg. No. 42,885, James D. DeCamp, Ph.D., Reg. No. 43,580, Sean J. Edman, Reg. No. 42,506,.

Address all telephone calls to: Karen L. Elbing, Ph.D. at 617/428-0200.

Address all correspondence to: Karen L. Elbing, Ph.D. at Clark & Elbing LLP, 101 Federal Street, Boston, MA 02110.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Full Name (First, Middle, Last)	Residence Address (City, State, Country)	Post Office Address (Street, City, State, Country)	Citizenship
Mark C. Fishman	Newton Center, MA, U.S.	43 Kenwood Avenue Newton Center, MA, U.S.	U.S.
Signature:			Date:

Full Name (First, Middle, Last)	Residence Address (City, State, Country)	Post Office Address (Street, City, State, Country)	Citizenship
Xiaolei Xu	Boston, MA, U.S.	14 Wait Street Apartment 2R Boston, MA, U.S.	China
Signature: 			Date: 11/11/02



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Country	Serial Number	Filing Date	Priority Claimed?
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### COMBINED DECLARATION AND POWER OF ATTORNEY

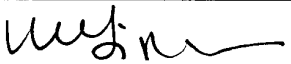
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Full Name (First, Middle, Last)	Residence Address (City, State, Country)	Post Office Address (Street, City, State, Country)	Citizenship
Mark C. Fishman	Newton Center, MA, U.S.	43 Kenwood Avenue Newton Center, MA, U.S.	U.S.
Signature: 			Date: 11/12/02

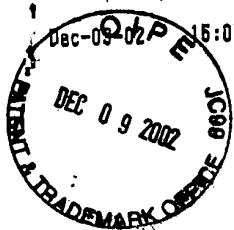
Full Name (First, Middle, Last)	Residence Address (City, State, Country)	Post Office Address (Street, City, State, Country)	Citizenship
Xiaolei Xu	Boston, MA, U.S.	14 Wait Street Apartment 2R Boston, MA, U.S.	China
Signature:			Date:

Dec-09-02 15:05

From-CLARK &amp; ELBING LLP

617-428-7044

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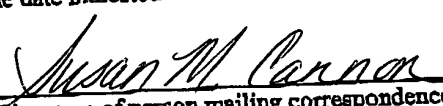
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Susan M. Cannon

Printed name of person mailing correspondence

  
Signature of person mailing correspondence

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mark C. Fishman et al.

Art Unit: 1634

Serial No.: 09/759,508

Examiner: Jehanne E. Souaya

Filed: January 12, 2001

Customer No.: 21559

Title: Methods for Diagnosing and Treating Heart Disease

Commissioner for Patents  
Washington, D.C. 20231REQUEST TO CORRECT INVENTORSHIP UNDER 37 C.F.R. § 1.48(a)  
CONSENT OF ASSIGNEE

As an officer of the concern to which the above-captioned application has been assigned,

I hereby consent to the correction of inventorship of this application from Mark C. Fishman to Mark C. Fishman and Xiaolei Xu

All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such

12/03/02 17:18 FAX 617 726 68  
Dec-03-02 15:06 From-CLARK & ELBING LLP

TECHNOLOGY AFFAIRS

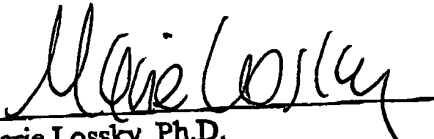
617-428-7044

004

T-177 P.004/004 F-417

willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: Dec 3, 2002

  
Marie Lossky, Ph.D.  
Industry Agreement Manager  
Corporate Sponsored Research and Licensing  
The General Hospital Corporation  
149 13<sup>th</sup> Street, Suite 5036  
Charlestown, MA 02129

00786.381002 Request to Correct Inventorship - Consent of Assignee.doc





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ATTORNEY DOCKET NO. 00786/381002

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Susan M. Cannon  
Printed name of person mailing correspondence

*Susan M. Cannon*  
Signature of person mailing correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Mark C. Fishman et al.	Art Unit:	1634
Serial No.:	09/759,508	Examiner:	Jehanne E. Souaya
Filed:	January 12, 2001	Customer No.:	21559
Title:	Methods for Diagnosing and Treating Heart Disease		

Commissioner for Patents  
Washington, D.C. 20231

REQUEST TO CORRECT INVENTORSHIP UNDER 37 C.F.R. § 1.48 (a)

Applicant hereby requests correction of inventorship in the above-captioned application from Mark C. Fishman to Mark C. Fishman and Xiaolei Xu.

The inventors set forth in the executed declaration under 37 C.F.R. § 1.63 that was filed in this case on May 15, 2001 were in error. In support of this request, enclosed are:

A statement from the person being added as an inventor that the error in inventorship occurred without deceptive intent.

A newly executed declaration under 37 C.F.R. § 1.63 by the actual inventors.

A check for \$130.00 for the fee required under 37 C.F.R. § 1.17(i).

A written consent of the assignee to this correction of inventorship.

If there are any other charges or any credits, please apply them to Deposit Account No.

03-2095.

Respectfully submitted,

Date: December 3, 2002

Susan M. Michaud  
Susan M. Michaud, Ph.D.  
Reg. No. 42,885

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Boston, MA 02110  
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21559  
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